

REBECCA 'BECKY' GRAY  
SCOTT COUNTY CIRCUIT CLERK  
P O BOX 371  
FOREST MS 39074  
601.469.3601(OFFICE)  
601.469.5188 (FAX)

DECEMBER 20, 2019

IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSISSIPPI

TITIANIA DENHAM, IND & ON BEHALF PLAINTIFF  
OF THE WRONGFUL DEATH BENEFICIARIES OF  
CHAVARUS DENHAM AND THE ESTATE OF  
CHAVARUS DENHAM

VS. NO. 2019-CV-338-SC-CC

CITY OF FOREST POLICE DEPARTMENT DEFENDANT  
DEANDRE WILSON AND JOHN DOES 1-10

I, REBECCA 'BECKY' GRAY, CIRCUIT CLERK OF SCOTT COUNTY, MS,  
DO HEREBY CERTIFY THAT THESE ARE TRUE AND CORRECT  
DOCUMENTS FILED IN THE ABOVE STYLED AND NUMBERED CASE.

GIVING UNDER MY HAND AND OFFICIAL SEAL, THIS THE 20<sup>TH</sup> DAY OF  
DECEMBER 2019.

Rebecca 'Becky' Gray  
REBECCA 'BECKY' GRAY, CIRCUIT CLERK  
SCOTT COUNTY, MISSISSIPPI



IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSISSIPPI

FILED FOR RECORD  
IN THE CIRCUIT COURT  
SCOTT COUNTY, MISSISSIPPI

AUG 27 2019

TITIANIA DENHAM, Individually  
and on behalf of the Wrongful Death Beneficiaries  
of CHAVARUS DENHAM, and  
the Estate of CHAVARUS DENHAM

REBECCA "BECKY" GRAY, CIRCUIT CLERK

VS.

CIVIL ACTION NO.: 2019-W-338-SC-C

PLAINTIFFS

CITY OF FOREST POLICE DEPARTMENT  
DEANDRE WILSON AND JOHN DOES 1-10

DEFENDANTS

COMPLAINT

COMES NOW Plaintiffs, by and through counsel, and file this Complaint, and for their claim for relief against the defendants herein, would respectfully show the following:

**PARTIES**

1. Plaintiff, Titania Denham, is an adult resident citizen of Scott County, Mississippi. Plaintiff and her minor children are heirs and wrongful death beneficiaries of the decedent, Chavarus Denham.
2. Defendant, City of Forest, is a municipal corporation, within the State of Mississippi, with the capacity to sue and be sued, which at all times relevant employed one or more of the Defendants. Pursuant to Rule 4 of the Mississippi Rules of Civil Procedure, the City of Forest may be served with process of this Court by serving Faye Johnson, City Clerk, 120 South Davis Street, Forest, MS 39074.

3. Defendants, John Does 1-10 are unknown individuals and/or entities liable to the Plaintiffs for the acts and omissions as alleged herein. The names and capacities of Defendants John Does 1-10 inclusive, whether individual, corporate or otherwise, are presently unknown to Plaintiffs, who, therefore sue said Defendants by fictitious names and will further seek leave of this Court to amend this Complaint to show their true names and capacities when the same are ascertained. Plaintiffs allege upon information and belief each of the Defendants designated herein as a Doe is responsible in some manner and liable herein to Plaintiffs by reason of negligence, gross negligence, wanton and reckless misconduct, and/or in some other manner whether alleged herein in this Complaint or not, and by such wrongful conduct, said Defendants, each of them, proximately caused the injury and damages occasioned to Plaintiffs herein.

#### **JURISDICTION AND VENUE**

4. Venue is proper in the County Court of Scott County, Mississippi pursuant to Section 11-11-3 of the Mississippi Code, as this cause of action in tort accrued within said County.

#### **FACTS**

5. Upon information and belief, on or about June 7, 2018, Chavarus Denham was found in his truck, on West Oak Street, by Officer Deandre Wilson, who was employed with the City of Forest Police Department, upon sustaining a gunshot

wound. As a result of said wound, Mr. Denham died. Upon information and belief, Mr. Denham's death was caused by, Deandre Wilson, a City of Forest Police Officer.

#### FIRST CAUSE OF ACTION

6. Defendants, Deandre Wilson, individually, by and through their willful and unreasonable conduct, and errors of omission and commission as described above, while acting under color of law in their official capacities as officers of the law in the employ of the City of Forest, Mississippi, violated Plaintiff's civil rights by:
  - (a) effecting a deliberate, malicious, and unlawful seizure of Plaintiff; and
  - (b) effecting a deliberate, malicious, and unlawful detention and arrest of Plaintiff with and through the use of excessive force.
7. Defendants, Deandre Wilson and City of Forest, as a matter of policy, custom and practice have, with deliberate indifference, failed to adequately discipline, train or otherwise direct police officers concerning the rights of citizens, thereby causing the violations to Plaintiff's civil rights.
8. Defendants, Deandre Wilson and City of Forest, exercised and acted with deliberate indifference to Plaintiff's civil rights by failing to provide adequate and reasonable procedures for hiring, training, supervision and discipline of police officers, failing to make and enforce policies and standards of police behavior designed to prevent unnecessary, unreasonable and unjustifiable

injury to citizens, failing to establish adequate procedures for and to conduct thorough internal investigations and reviews of incidents which involve injury and/or death to citizens, and failing to prohibit the use of excessive force against citizens.

9. Defendants, had actual or constructive knowledge of the persistent, widespread practice of the use of excessive force by the Forest Police Officers, and are therefore liable for the injuries and damages to Plaintiff.
10. The actions of defendants, acting under color of state law, deprived Plaintiff of his rights, privileges and immunities under the laws and Constitution of the United States of America, in particular, the rights to be secure in his person and property, to be free from the excessive use of force, and to due process of law. By its actions, defendants have deprived plaintiff of rights secured by the Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. § 1983.
11. At all times relevant herein, the defendants acted wilfully, maliciously, wantonly, unreasonably, recklessly, and with deliberate indifference to the rights of Plaintiff.
12. The acts and failures to act described herein were the direct and proximate cause of the damages and injuries to the Plaintiff.
13. The defendants are liable to Plaintiff jointly and severally for the wrongs complained of herein.

#### SECOND CAUSE OF ACTION

14. Plaintiffs reallege and incorporates paragraphs 1 through 13 of the Complaint.
15. On or about May 15, 2019, Plaintiff mailed a notice of a claim, pursuant to Miss. Code Ann. § 11-46-11. The notice of claim was received by the City Clerk of the

City of Forest,. Ninety (90) days have passed since the mailing of the notice to the defendants.

16. Defendants acted in reckless disregard for the safety and well-being of Plaintiff. Plaintiff was not engaged in criminal activity at the time of the beating.
17. The shooting of Chavarus Denham constituted an assault and battery.
18. The shooting of Chavarus Denham constituted an intentional infliction of emotional distress.
19. The actions of defendants deprived Chavarus Denham of his rights, privileges and immunities under the laws and Constitution of the State of Mississippi, in particular, the rights to be secure in his person and property, to be free from the excessive use of force, and to due process of law. By its actions, defendants have deprived plaintiff of rights secured by Article 3, Sections 14, 23, and 32 of the Constitution of the State of Mississippi.
20. Defendants, at the time of the beating were acting in the course and scope of his employment with the City of Forest, Mississippi, and the City of Forest, Mississippi is liable for the actions of defendants.
21. Defendants were at all relevant times set forth herein inadequately trained, supervised and disciplined. Based upon these inadequate procedures, defendants, John Does, should not have been hired and allowed to perform as police officers. The City of Forest knew or should have known that defendants, John does, were inappropriately hired, trained, disciplined, and supervised.
22. The defendant's actions and inactions were a direct and proximate cause of the injuries and damages of Plaintiff, and constituted negligence, gross negligence, recklessness, and intentional torts, all in violation of the statutory and common

law of the State of Mississippi.

## DAMAGES

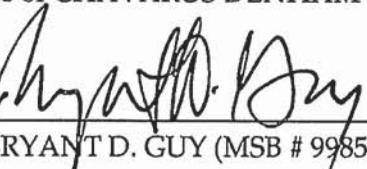
23. Plaintiffs reallege and incorporates paragraphs 1 through 22 of the Complaint.
24. As a direct and proximate cause of the actions of defendants, Plaintiff suffered injuries and damages. Plaintiff is entitled to recover damages, for the following:
  - (a) medical expenses;
  - (b) pain and suffering; and
  - (c) mental and emotional distress; and
  - (d) lost income
25. The actions and inactions of Defendants were intentional, wilful, malicious, deliberately indifferent, and done in callous disregard for Plaintiff's rights and safety that Plaintiff is entitled to punitive damages.
26. Plaintiffs request cost of court, reasonable attorneys' fees and expenses, pursuant to 42 U.S.C. § 1988 and state law.
27. Plaintiffs further requests any other relief that the Court deems just and appropriate, based upon the circumstances.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs request a judgment be entered against all defendants, individually, severally and jointly, for actual and compensatory damages, plus prejudgement and post judgment interest, attorney fees, expenses and all costs accrued in this action, and any other relief which the Court and Jury deems just and appropriate.

This, the 26th day of August, 2019.

Respectfully submitted,

TITIANIA DENHAM, Individually  
and on behalf of the Wrongful Death Beneficiaries  
of CHAVARUS DENHAM, and  
the Estate of CHAVARUS DENHAM

BY: 

BRYANT D. GUY (MSB # 99858)  
COUNSEL FOR THE PLAINTIFFs

OF COUNSEL:

BRYANT D. GUY, ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 10173  
JACKSON, MS 39286-0173  
TELEPHONE (601) 969-6960  
FACSIMILE (601) 969-6959

# COVER SHEET

## Civil Case Filing Form

(To be completed by Attorney/Party  
Prior to Filing of Pleading)

Court Identification Docket #

0 8 1 1 9  
County # Judicial Court (D)  
District (CH, CL, CO)  
0 8 1 1 9

Case Year

0 0 1 9  
Docket Number  
338  
Local Docket ID  
10C

Mississippi Supreme Court  
Administrative Office of Courts

Form AOC/01  
(Rev 2016)

Month Date Year  
This area to be completed by clerk

Case Number/If filed prior to 1/1/94

In the Circuit

Court of Scott

County —

Judicial District

### Origin of Suit (Place an "X" in one box only)

Initial Filing  Reinstated  
 Remanded  Reopened  Foreign Judgment Enrolled  
 Joining Suit/Action  Transfer from Other court  
 Appeal  Other

### Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual

Denham

Last Name

Totawr

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity  
D/B/A or Agency \_\_\_\_\_

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:

D/B/A \_\_\_\_\_

### Address of Plaintiff

Attorney (Name & Address)

Byrd & Denham, Attorneys at Law, PLLC P.O. Box 1073

MS Bar No.

92858

39286

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: John Denham

### Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:  
D/B/A or Agency \_\_\_\_\_

Business

City of P. Forest

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:

D/B/A \_\_\_\_\_

Attorney (Name & Address) - If Known

MS Bar No.

Check (x) if child support is contemplated as an issue in this suit.\*

\*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

### Nature of Suit (Place an "X" in one box only)

#### Domestic Relations

Child Custody/Visitation  
 Child Support  
 Contempt  
 Divorce: Fault  
 Divorce: Irreconcilable Diff.  
 Domestic Abuse  
 Emancipation  
 Modification  
 Paternity  
 Property Division  
 Separate Maintenance  
 Term of Parental Rights-Chancery  
 UIFSA (eff 7/1/97; formerly URESA)  
 Other

#### Appeals

Administrative Agency  
 County Court  
 Hardship Petition (Driver License)  
 Justice Court  
 MS Dept Employment Security  
 Municipal Court  
 Other

#### Business/Commercial

Accounting (Business)  
 Business Dissolution  
 Debt Collection  
 Employment  
 Foreign Judgment  
 Garnishment  
 Replevin  
 Other

#### Probate

Accounting (Probate)  
 Birth Certificate Correction  
 Mental Health Commitment  
 Conservatorship  
 Guardianship  
 Heirship  
 Intestate Estate  
 Minor's Settlement  
 Muntainment of Title  
 Name Change  
 Testate Estate  
 Will Contest  
 Alcohol/Drug Commitment (Involuntary)

#### Children/Minors/Non-Domestic

Adoption - Contested  
 Adoption - Uncontested  
 Consent to Abortion  
 Minor Removal of Minority  
 Other

#### Civil Rights

Elections  
 Expungement  
 Habeas Corpus  
 Post Conviction Relief/Prisoner  
 Other

#### Contract

Breach of Contract  
 Installment Contract  
 Insurance  
 Specific Performance  
 Other

#### Statutes/Rules

Bond Validation  
 Civil Forfeiture  
 Declaratory Judgment  
 Injunction or Restraining Order  
 Other

#### Real Property

Adverse Possession  
 Ejectment  
 Eminent Domain  
 Eviction  
 Judicial Foreclosure  
 Lien Assertion  
 Partition  
 Tax Sale: Confirm/Cancel  
 Title Boundary or Easement  
 Other

#### Torts

Bad Faith  
 Fraud  
 Intentional Tort  
 Loss of Consortium  
 Malpractice - Legal  
 Malpractice - Medical  
 Mass Tort  
 Negligence - General  
 Negligence - Motor Vehicle  
 Premises Liability  
 Product Liability  
 Subrogation  
 Wrongful Death  
 Other

IN THE COUNTY COURT OF SCOTT COUNTY, MISSISSIPPI

TITIANIA DENHAM, Individually  
And on behalf of the Wrongful Death beneficiaries  
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PLAINTIFF

VS.

CIVIL ACTION NO. 2019-CV-338-SC-CC

CITY OF FOREST POLICE DEPARTMENT  
DEANDRE WILSON AND JOHN DOES 1-10

DEFENDANTS

CIVIL SUBPOENA

STATE OF MISSISSIPPI  
COUNTY OF SCOTT

To Any Lawful officer or Other Persons Authorized to Serve Subpoenas:

WE COMMAND YOU TO SUMMON:

City of Forest Police Department  
Records Custodian  
120 South Davis Street  
Forest, MS 39074

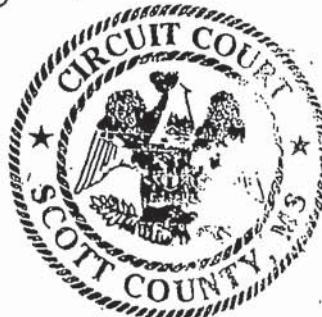
You are hereby commanded to produce for inspection and/or copy on or before October 20, 2020 at the law office of Bryant Guy, 308 E. Pearl Street, Ste 203 Jackson, MS 39201 or via mail to POB 10173 Jackson, MS, 39286, any and all documents, reports, autopsy, or other tangible things which are in your possession or under your control pertaining to the death of Chavarus Denham.

Witness my signature and seal of office this the 30 day of September, 2019.

*Rebecca Becky Gray*  
REBECCA GRAY, CIRCUIT CLERK  
SCOTT COUNTY, MISSISSIPPI

*Jessa Benford, DC*

BRYANT D. GUY (MSB# 99858)  
ATTORNEY FOR PLAINTIFF  
ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 10173  
JACKSON, MS 39286-0173  
TELEPHONE: (601) 969-6960  
FACSMILE: (601) 969-6959



IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSISSIPPI

TITIANIA DENHAM, Individually  
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SUMMONS

THE STATE OF MISSISSIPPI

TO: Faye Johnston, City Clerk  
City of Forest  
120 South Davis Street  
PO Box 298  
Forest, MS 39074

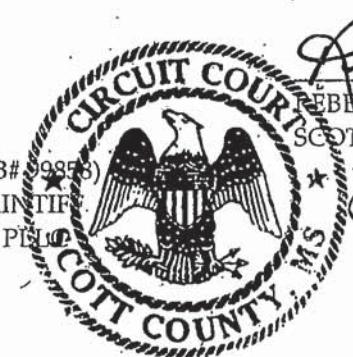
NOTICE TO DEFENDANT(S)

THE COMPLAINT AND DISCOVERY WHICH IS ATTACHED TO THIS SUMMONS IS  
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint and  
Discovery to Bryant D. Guy, Attorney at Law, PLLC, attorney for the Plaintiff(s), whose post office  
address is Post Office Box 10173, Jackson, Mississippi 39286-0173, and whose telephone number is  
(601) 969-6960. Your response must be mailed or delivered within forty-five (45) days from the date of  
delivery of this summons, complaint and discovery or a judgment by default will be entered against  
you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a  
reasonable time afterward.

Issued under my hand and the seal of said Court, this 13<sup>th</sup> day of December 2019.



BRYANT D. GUY (MSB# 99853)  
ATTORNEY FOR PLAINTIFF  
ATTORNEY AT LAW, PLLC

REBECCA GRAY, CIRCUIT CLERK  
SCOTT COUNTY, MISSISSIPPI

*Rebecca Gray*  
*Dana Benford, SC*